

these government requirements, it is well known that the claims are to be interpreted in light of the specification as would be understood by one of ordinary skill in the art at the time of the invention. Therefore, one of ordinary skill in the art would know that the government regulations that apply are the ones in effect at the time of the filing of the present application. Page 6, lines 12-14 state that section 3280.401(b) of the Federal Manufactured Home Construction and Safety Standards are the federal regulations applicable to the present application. This clearly would be understood by one of ordinary skill in the art and therefore the Examiner's rejection of Claims 2-25 under 35 USC 112, first paragraph, and Claim 23 under 35 USC 112, second paragraph, clearly are in error.

Claims 2-25 have been rejected under 35 USC 103(a) as being unpatentable over Hartman in view of Minnick. Applicant once again respectfully traverses these grounds of rejection and urges reconsideration in light of the following comments.

As explained previously, the instant invention is directed to a wall structure that is contained in a building structure that is subject to government regulations with respect to transverse wind loading. The wall structure comprises a first layer having a density of from about 0.5 to 3 pounds per cubic foot and a second reinforcing layer selected from the group consisting of a polymer fabric, a biaxially oriented polymer film and a fiberglass reinforced material directly bonded to the first layer. The present invention allows for the use of foam insulating materials without support from wood sheathing or other structural wall sheathing components in hurricane-prone geographic areas. This is clearly unexpected in that the use of energy saving foam-insulating materials in these regions are not economically feasible because they must be supported with

expensive structural materials that are capable of resisting hurricane force vacuums. It is respectfully submitted that the prior art cited by the Examiner does not disclose the presently claimed invention.

The Hartman reference discloses an insulating panel for protecting walls and roofs comprising a foam layer 12, a weathering layer 14 and a backer layer 16. The presently claimed invention is distinguishable over this reference in that, as admitted by the Examiner, it has no disclosure regarding a fiberglass reinforced material bonded to the first layer. Additionally, the presently claimed invention is directed to a wall structure per se that is subject to government regulations with respect to transverse wind loading. The Hartman reference is concerned with a panel that is applied to such a wall structure and not the wall structure per se. As such, the secondary reference cited by the Examiner must provide the motivation to one of ordinary skill in the art to alter the structure of the insulating panel of Hartman to that of the presently claimed invention and to use the insulating panel as a wall structure per se. It is respectfully submitted that the secondary reference cited by the Examiner contains no such teachings.

The Minnick reference discloses a lightweight high strength laminate having improved fire resistant characteristics comprising outer fiber-reinforced thermoset sheets, lofted fiber-reinforced thermoplastic sheets and a foam core layer. Like the previously discussed reference, this laminate is used as a building panel in the modular home segment of the construction industry. There is no suggestion in this reference that this laminate can be used as a wall structure per se. Additionally, there is no teaching in this reference which suggests that anything favorable would occur from altering the structure of the Hartman insulated panel.

As such, it is respectfully submitted that one of ordinary skill in the art would not attempt to combine Minnick with Hartman in the manner suggested by the Examiner and that a showing of prima facie obviousness under 35 USC 103 has not been made by the Examiner.

Claims 2-25 have been rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-26 of U.S. Patent No. 5 863 091. Applicant respectfully traverses this ground of rejection.

The Shepherd et al reference is directed to a vehicle floor assembly while the presently claimed invention is directed to a wall structure that is contained in a building structure. Even when assuming that the laminates of the present invention and Shepherd et al are identical, there is no suggestion in Shepherd et al that the structure used there could also be utilized as a wall structure in a building. Therefore, the Examiner's rejection of the currently pending claims for obviousness-type double patenting clearly is in error and should be withdrawn.

Currently presented Claim 24 requires that a cellulosic layer be laminated to the second-reinforcing layer, an exterior layer be laminated to the cellulosic layer and an interior layer laminated to the first layer. None of the references cited by the Examiner disclose the presence of a cellulosic layer. As such, Claim 24 and claims dependent thereon are even further distinguishable over the references cited by the Examiner.

The Examiner is respectfully requested to reconsider the present application and to pass it to issue.

Respectfully submitted,


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